

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IN RE:

Warren Roy Tollman

DEBTOR

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CASE NO.11-11216

CHAPTER 13

**MOTION FOR AUTHORIZATION TO SELL PROPERTY FREE AND CLEAR OF LIENS AND
FIRST REQUEST FOR ADDITIONAL ATTORNEY FEES**

THIS PLEADING REQUESTS RELIEF THAT MAY BE ADVERSE TO YOUR INTERESTS.

IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY ONE (21) DAYS FROM THE DATE OF SERVICE, NO HEARING WILL BE HELD AND THE RELIEF REQUESTED IN THE MOTION MAY BE GRANTED WITHOUT A HEARING BEING HELD. A TIMELY FILED RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

To the Honorable United States Bankruptcy Judge:

Warren Roy Tollman, Debtor, files this Motion for Authorization to Sell Property Free and Clear of Liens and First Request for Additional Attorney Fees and respectfully show the Court as follows:

1. This Court has jurisdiction of this matter under 28 USC §1334 and §157.
2. Debtor filed under Chapter 13 of the Bankruptcy Code on May 12, 2011. An Order Confirming Plan was entered on July 25, 2011.
3. Among the Debtor's non-exempt assets was property located at 6144 Goodland Ave, North Hollywood, CA 91606 and legally described as:
Lot 26 of Tract No. 12861, In the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 311, Pages 22 and 23 of Maps, in the Office of the County Recorder of said county. (Assessor's Parcel Number: 2332-027-015)
4. Debtor has negotiated a sale of this property to Victor Marquez for \$295,000.00. This will be a cash sale. It is a short sale and has been agreed to by the first lienholder, Bank of America. Debtor will receive no funds at closing. The California Residential Purchase Agreement and Joint Escrow Instructions is attached as Exhibit "1".
5. Debtor is informed and believes, pursuant to the Preliminary Title Report, that the only parties to assert liens against the property are as follows:
 - a. A deed of trust to secure indebtedness in the original amount of \$360,000.00 dated April 9, 2004, Warren Tollman, Trustor, Marin Conveyancing Corp, Trustee, to the benefit of Mortgage Electronic Registration Systems, Inc. ("MERS") solely as Nominee for Greenpoint Mortgage Funding, Inc., a New York Corporation recorded on April 19, 2004 as Instrument No. 04-0941946 of Official Records. This lien is currently held by Bank of America.
 - b. A deed of trust to secure indebtedness in the original amount of \$200,000.00 dated January 26, 2007, Warren Tollman, Trustor, Douglas E. Miles, Trustee, to the benefit of JP Morgan Chase Bank N.A., a National Banking Association, recorded on January 31, 2007 as Instrument No. 2007-0207412 of Official Records.
6. Debtor's attorney, Michael Baumer, requests attorney fees and expenses in the amount of \$400.00 for this Motion for Authorization to Sell Property Free and Clear of Liens. The realtor, Diane Worden has agreed to pay this fee out of her commission. This is Michael Baumer's first request for attorney fees. Attorney fees allowed to date per the Order Confirming Plan is \$3,500.00.
7. Debtor requests that the property be sold free and clear of all liens and that the liens attach to the proceeds of the sale. Debtor requests that the proceeds of the sale be paid in the following order:

- a. first, to closing costs, which include but are not limited to any outstanding ad valorem taxes, homeowners' association fees, any fees due the City of Los Angeles Department of Building and Safety Code Enforcement, and realtor fees out of which will be paid \$400.00 to Michael Baumer for this Motion for Authorization to Sell Property Free and Clear of Liens,
- b. second, to satisfy the lien referenced in paragraph 5a currently held by Bank of America, with no funds going to the second lien held by JP Morgan Chase Bank N.A. or Debtor.

Wherefore, Debtor prays for an order permitting the sale of the property free and clear of all liens, that the liens attach to the proceeds of the sale, and that the proceeds be distributed as recited in the motion, and for such other and further relief as is just.

Respectfully submitted,

LAW OFFICE OF MICHAEL BAUMER
7600 Burnet Road
Suite 530
Austin, TX 78757
512-476-8707
Fax 512-476-8604

By: /s/Michael Baumer
Michael Baumer -01931920
Megan Baumer-01931915

CERTIFICATE OF SERVICE

Pursuant to Local Rule 9013(g), the above signed hereby certifies that a true and correct copy of the foregoing Motion for Authorization to Sale Free and Clear of Liens was served without Exhibit on the following parties by regular first class mail. Parties can request a copy of the Exhibit by emailing renee@baumerlaw.com:

Warren Tollman
302 Nelray Blvd
Austin, TX 78751

B-Line
PO Box 91121, Dept. 550
Seattle, WA 98111-9221

Chase
340 S. Cleveland Ave. Bldg 370
Westerville, OH 43081

Advanta Bank Corporation
c/o Resurgent Capital Services
PO Box 10368
Greenville, SC 29603-0368

BAC Home Loan Servicing, LP
7105 Corporate Drive
Plano, TX 75024

Chase Bank USA
PO Box 15145
Wilmington, DE 19850-5145

Allen Adkins
P.O. Box 3340
Lubbock, TX 79453

BAC Home Loans Servicing, LP
Bankruptcy Dept
Mail Stop: CA6-919-01-23
400 National Way
Simi Valley, CA 93065

Citi
P.O. Box 6062
Sioux Falls, SD 57117

Alliance CAS Collection
Department
Attn: Scott Jaffee
PO Box 477
Hallandale Beach, FL 33080

Bank of America
450 American St.
Simi Valley, CA 93065

Citi
P.O. Box 6497
Sioux Falls, SD 57117

American Express Bank, FSB
Becket & Lee LLP
PO Box 3001
Malvern, PA 19355-0701

Barrett Daffin Frappier Turner &
Engel
15000 Surveyor Blvd Suite 100
Addison, TX 75001

Citi Health
P.O. Box 6497
Sioux Falls, SD 57117

Ascension Capital Group
Attn: JP Morgan Chase Bank NA
PO Box 201347
Arlington, TX 76006

Capital Management Services, LP
726 Exchange St, Suite 700
Buffalo, NY 14210

Citibank N.A.
PO Box 20141
Kansas City, MO 64195

Associated Recovery
P.O. Box 1259
Oaks, PA 19456

Chase
P.O. Box 659754
San Antonio, TX 78265

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

eCast Settlement Corp.
P.O. Box 29262
New York, New York 10087-9262

Fan Distributing LLC
3300 Monroe Avenue, Suite 205
Rochester, NY 14618

First Premier Bank
P.O. Box 5114
Sioux Falls, SD 57117-5114

Flagstar Bank
5151 Corporate Dr.
Troy, MI 48098

Ford Motor Credit Company LLC
PO Box 6275
Dearborn, MI 48121

Granite Recovery LLC
c/o Recovery Management Systems
25 SE 2nd Ave., Suite 1120
Miami, FL 33131-1605

Home Depot
P.O. Box 182676
Columbus, OH 43218

Integrity Financial
P.O. Box 1997
Southgate, MI 48195

Johnson & Silver
12720 Hillcrest Rd. #280
Dallas, TX 75230

JP Morgan Chase Bank, NA
PO Box 201347
Arlington, TX 76006

Los Angeles County Tax Collector
P.O. Box 54018
Los Angeles, CA 90054-0018

Miami-Dade Tax Collector
140 W. Flagler Street, Suite 1407
Miami, FL 33130-1575

Midland Credit Management
8875 Aero Drive #200
San Diego, CA 92123

Midland Credit Mangement, INC.
8875 Aero Drive, Suite 200
San Diego, CA 92123

Nationwide Credit
P.O. Box 26314
Lehigh Valley, PA 18002

Portfolio Recovery Associates,
LLC.
PO Box 41067
Norfolk, VA 23541

PRA Receivables Management LLC
Agent of Portfolio Recovery Assoc.
LLC
PO Box 41067
Norfolk, VA 23541

Prober & Raphael, LC
20750 Ventura Blvd., Suite 100
Woodland Hills, CA 91364

Sears
PO Box 6564
The Lakes, NV 89163

Slater, Tenaglia, Fritz & Hunt, PA
P.O. Box 8500
Philadelphia, PA 19178

Travis County Clerk
P.O. Box 149325
Austin, TX 78714

Travis County District Clerk
P.O. Box 679003
Austin, TX 78701

USA Management
6915 Taft St
Hollywood, FL 33024

Wells Fargo
P.O. Box 29482
Phoenix, AZ 85038

Yellow Book
518 Vermont St
Quincy, IL 62305

Via electronic service to the following registered CMECF users:

Deborah Langehennig, Trustee
3801 Capitol of Texas Highway South, Suite 320
Austin, TX 78704

United States Trustee
903 San Jacinto, Suite 230
Austin, TX 78701

Dated: 7/19/12